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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/379,699	08/24/1999	JEFFRY JOVAN PHIYAW	PHLY-24-747	1610
25883	7590	04/03/2006	EXAMINER	
HOWISON & ARNOTT, L.L.P			ZIA, SYED	
P.O. BOX 741715				
DALLAS, TX 75374-1715			ART UNIT	PAPER NUMBER
			2131	

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/379,699	Applicant(s) PHIYAW ET AL.	
	Examiner Syed Zia	Art Unit 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12, 14-18 and 24-26 is/are allowed.
- 6) ☒ Claim(s) 19-22 is/are rejected.
- 7) ☒ Claim(s) 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 03, 2006 has been entered.

Response to Amendment

This office action is in response to request for reconsideration filed on January 03, 2006. Original application contained Claims 1-9. Applicant previously added new claims 10-27. Applicant previously amended claims 1, 9, and 14, and cancelled claims 13, and 27. No amendment was filed at this time. Applicant's submission filed November 04, 2005 has been entered and made of record. Therefore, Claims 1-12, and 14-26 are pending for further consideration.

Response to Arguments

1. No argument was filed in the last response (RCE) regarding art rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 24, recites the limitation "the receiving node" in line number 4.

Claim 1, and 19, recites the limitation "the intermediate node" in line number 10, 21-22, 25, and 27.

Claim 27, recites the limitation "the unique network" in line number 10.

There is insufficient antecedent basis for these limitations in the claims.

Claim Rejections - 35 USC § 112

Claim 24 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. "the unique network routing information" is not defined or discussed in the specification. Examiner needs to know where this "unique network" was implemented, and how does it differ than the network claimed by the applicant.

Claim Objections

Claims 9, 19, and 24 are objected to because of the following informalities:

Claim 9, line 9 limitation c, "assembling a message packet the product information" is not consistent with claimed limitation of Claim 1m and 19. Appropriate correction is required.

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Claim 19, line 12 limitation d, “... product information, which defined association is defined... “is not consistent with claimed limitation of Claim 1 and 9. Appropriate correction is required.

Claim 24, line 3-4, “a destination address”, a source address” need to be “the destination address”, the source address” due to change in dependency from Claim 13 to Claim 1.

Allowable Subject Matter

3. Claims 1-12,14-18 and 24-26 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

4. Claim 23 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 19-22 are rejected under 35 U.S.C 102(e) as being anticipated by Hudetz et al., US Patent No. (5,978,773).

6. Regarding Claim 19 Hudetz teaches a system for using identification codes [product codes] found on ordinary articles of commerce to access remote computers on a network and a method for utilizing a product code (Fig.1 Item 46) having product information contained therein for interfacing (Fig.1 Item 50) a computing device at a user node (Fig.1 Item 28) on a network to at least one of a plurality of remote node (Fig.1 Item 24) on the network (Fig.1 Item 20), the computing device at the user node having application software installed thereat for examining product code input thereto, comprising the steps of

- extracting (i.e. scanning, reading) (Fig.1 Item 44) the product information from the product code at the user node (Fig.1 Item 28) for input to the computing device at the user node (Fig. 1 and 3, col. 6 line 20 to line 32, and col.5line 34 to line 35);

- in response to the step of extracting, the application software:

- assembling a message packet containing the product information (Fig.1 Item 48, and 46), and transmitting the data transmission (i.e. using PPP or HTTP protocol) to an intermediate node on the network (i.e. service provider) (Fig.1 Item 22) on the network (Fig.1 Item 20),

- receiving from the intermediate node (i.e. service provider) (Fig.1 Item 22) on the network instructional code that instructs the computing device at the user node (Fig.1 Item 28) to connect to one of the remote nodes (Fig.1 Item 24) on the network (Fig.1 Item 20) that has

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defined association with the extracted product information, which defined association is defined at the intermediate node (Fig.5 Item 86, 88, and col.9 line 33 to line 43), and

- connecting the computing device at user the node to the one of the remote nodes in accordance with the received instructional code such that connection to the remote node is controlled by the intermediate node through the instructional code (i.e. automatic jumping [connection] (col.9 line 54 to line 65), wherein connections to remote nodes on the network in response to the step of extracting are controlled by the intermediate node and not by any actions at the user node other than the operations of extracting (i.e. a field in database 60 for enabling the automatic diverting of the traffic to desired location) (col.9 line 33 to line 43), and wherein actions at the user node do not prevent connection or effect connection to the remote node (col.9 line 54 to line 65).

7. Claim 20 is rejected as applied above in rejecting claim 19. Furthermore Hudetz teaches method of extracting product information (Fig. 1, 3, 5, and 8) wherein

- the product code is machine-readable code (col.6 line 29 to line 33),
- interfacing with the network utilizing network routing information embedded with instructional code (Fig.4-5, col.7 line 2 to col.8 line 10);

8. Claims 21-22 are rejected as applied above in rejecting claim 20. Further more Hudetz teaches and describes network routing utilizing product code, wherein:

- the step of extracting comprises scanning the machine-readable code to extract the product code information (col. 8 line 34 to line 46);

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- and machine-readable code comprises a bar code (col. 10 line 3 to line 11, and col. 11 line 28 to line 34);

- the step of extracting comprises scanning the product code with an optical scanner that is operable to extract the product code information from the product code (col. 8 line 34 to line 46);

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Zia whose telephone number is 571-272-3798. The examiner can normally be reached on 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SZ

March 27, 2006

